



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 753-00
2 May 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased former spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your former spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS-815 of 29 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1160
PERS-815
29 Mar 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 29 Dec 99
(b) MILPERSMAN 1510-020
(c) NAVADMIN 143/98
(d) MILPERSMAN 1160-100

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner reenlisted for five years on 8 Jun 1998 prior to attending NEC 0495 "C" school (CIN A-130-0357). Petitioner received a zone "A" SRB for this reenlistment.

- Reference (b) did not carry CIN: A-130-0357 on the Career Schools List (CSL) at the time of petitioner's reenlistment.

- Reference (c), released on 09 Jul 1998, while petitioner was attending the NEC 0425 training, added the CIN: A-130-0357 to the CSL. Per reference (d), automatic advancement is authorized if the "C" school or "C" school package the servicemember completed was listed on the Career Schools List (CSL) in effect on the date of reenlistment.

- Petitioner requests automatic advancement upon the completion date of 0495 "C" school training via the STAR program.

- Petitioner completed AN/BQQ-5E PIPELINE (NEC 0495) in July 1999. Per reference (c), this course of instruction was listed on the CSL on the date petitioner completed the training. However, petitioner did not initially reenlist under the STAR program, because at the time of reenlistment, the STS rate was not eligible to receive benefits under the STAR program.

- BUPERS cannot provide information pertaining to subsequent STAR NAVADMIN's CSL until after the NAVADMIN has been released. Therefore petitioner could not have been counseled that he would have been eligible to reenlist for the benefits of the STAR program because the CSL did not carry NEC 0495 at the time of reenlistment.

Subj: BCNR PETITION ICO ~~_____~~

2. In view of the above, recommend petitioner's record remain unchanged.

3. This is an advisory memorandum to reference (a) for the use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


J. D. BOOTH
Deputy Division Director
In-Service Procurement &
Transfers Division